

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

John L. Rush, Rahiem Fant, Jordan)	
Batty, Sr., Jesse Orndorff, Daniel)	Civil Action No. 1:21-cv-316
Shelley, Jordan Rawls, Samuel Brown,)	
Jeremy Brown, Blake Weaver, Seth)	
Kerr, Mitchell Simpson, Nikolaus)	Magistrate Judge Lisa Pupo Lenihan
Andrews, Dusty Perry, Richard)	
Bianco, Damontae Williams, Howard)	
Wolfe, Michael Rose, Jade Lines,)	
Caleb Smith, Adam Conrad, Robert)	
Zagata, Jeremy Masser, Eric Morrison,)	
Randy Anderson, Christian Ferris,)	
Matthew Miller, Michael Kramer,)	
Jarome Green, Jermaine Hughes, Ryan)	
Hart, Quentin Ingram, Bradel Blow,)	
Lamont Snider, James Rickmon,)	
Lynard Grace, Jesse Jenkins, Rayheem)	
Brown, Joseph McBride, Eric Hall,)	
Robert Austin, Jeffrey Nelson, Ronald)	
Rummings, Ronnie Singletary, Jason)	
Hockenberry,)	
)	
Plaintiffs,)	
)	
v.)	
)	
John Wetzel and Derek F. Oberlander,)	
)	
Defendants.)	

ORDER

The Plaintiffs¹ in this matter have submitted for filing a complaint. However, only Plaintiff John L. Rush has submitted the required forms to proceed *in forma pauperis* in a civil rights case. In Hagan v. Rogers, 570 F.3d 146 (3d Cir. 2009), the Court of Appeals for the Third Circuit held that prisoners are not categorically barred from joining as plaintiffs under Federal Rule of Civil Procedure 20, and further addressed certain consequences applicable to civil cases

¹ The Plaintiffs are all inmates currently incarcerated at SCI-Forest.

in which multiple prisoner plaintiffs seek to join in one action pursuant to Rule 20. For example, it held that where the entire filing fee has not been prepaid, the full filing fee must be assessed against each *in forma pauperis* co-plaintiff to join under Rule 20, as though each plaintiff were proceeding individually. *Id.* at 150. The Plaintiffs in this case have not prepaid the full filing fee. Therefore, this action may not proceed with the remaining forty-three (43) Plaintiffs unless

- (1) someone tenders to the “Clerk, U.S. District Court” a statutory filing fee in the amount of \$402.00, or,
- (2) each Plaintiff files a properly completed application to proceed *in forma pauperis*, along with an authorization form and a certified copy of their prison account statements for the six (6) months preceding the filing of the complaint.

Therefore,

IT IS HEREBY ORDERED this 19th day of November, 2021, that, if they desire to proceed with this action, each of the remaining forty-three (43) Plaintiffs must submit a motion to proceed *in forma pauperis*, along with certified copies of their inmate account statements for the six (6) months preceding the filing of the complaint. Or, they may proceed with this case by someone pre-paying the full \$402.00 filing fee.

IT IS FURTHER ORDERED that if the remaining forty-three (43) Plaintiffs do not submit motions to proceed *in forma pauperis* or pre-pay the \$402.00 filing fee within thirty (30) days from the date of this Order then they will be dismissed from this action and this case will proceed with only those Plaintiffs who have complied with this Order.

AND IT IS FURTHER ORDERED that the Plaintiffs are allowed fourteen (14) days from this date to appeal this order to a District Judge pursuant to Rule 72.C.2 of the Local Rules. Failure to appeal within fourteen (14) days may constitute waiver of the right to appeal.

/s/ Lisa Pupo Lenihan

Lisa Pupo Lenihan
United States Magistrate Judge

Cc: John L. Rush, LZ9681
Rahiem Fant, LY3417
Jordan Batty, Sr., MJ0311
Jesse Orndorff, LV2952
Daniel Shelley, KY7892
Jordan Rawls, NU4906
Samuel Brown, JC9130
Jeremy Brown, LT7791
Blake Weaver, LL8844
Seth Kerr, NX8552
Mitchell Simpson, DY1141
Nikolaus Andrews, EV2955
Dusty Perry, ND0961
Richard Bianco, QK5164
Damontae Williams, LE6315
Howard Wolfe, LL8985
Michael Rose, LB7861
Jade Lines, NQ5482
Caleb Smith, MW4398
Adam Conrad, KE2455
Robert Zagata, NV1896
Jeremy Masser, LP1120
Eric Morrison, KH9233
Randy Anderson, LY1600
Christian Ferris, NK2650
Matthew Miller,
Michael Kramer, KL8605
Jarome Green, NG4670
Jermaine Hughes, MD4807
Ryan Hart, MK1858
Quentin Ingram, LN0680
Bradel Blow, JT5368
Lamont Snider, MC8859
James Rickmon, DX7900
Lynard Grace, LZ5669
Jesse Jenkins, NR6435
Rayheem Brown, JA4816
Joseph McBride, NL0619

Eric Hall, BL5355
Robert Austin, QH5187
Jeffrey Nelson, NU6810
Ronald Rummings, HN9368
Ronnie Singletary, NM0504
Jason Hockenberry, QH9046

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